

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA; COMMERCE STREET
INVESTMENTS, LLC; PRU ALPHA FIXED
INCOME OPPORTUNITY MASTER FUND I,
L.P.; PRUCO LIFE INSURANCE COMPANY;
PRUCO LIFE INSURANCE COMPANY OF
NEW JERSEY; PRUDENTIAL INVESTMENT
PORTFOLIOS 2; THE PRUDENTIAL LIFE
INSURANCE COMPANY, LTD.; PRUDENTIAL
RETIREMENT INSURANCE AND ANNUITY
COMPANY; and PRUDENTIAL TRUST
COMPANY,

Plaintiffs,

v.

CREDIT SUISSE SECURITIES (USA) LLC (f/k/a
CREDIT SUISSE FIRST BOSTON LLC),
CREDIT SUISSE FIRST BOSTON MORTGAGE
SECURITIES CORP., ASSET BACKED
SECURITIES CORPORATION, and DLJ
MORTGAGE CAPITAL, INC.,

Defendants.

No. 2:12-cv-07242-KSH-PS

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs, The Prudential Insurance Company of America, Commerce Street Investments, LLC, Pru Alpha Fixed Income Opportunity Master Fund I, L.P., Pruco Life Insurance Company, Pruco Life Insurance Company of New Jersey, Prudential Investment Portfolios 2, The Prudential Life Insurance Company, Ltd., Prudential Retirement Insurance and Annuity Company, and Prudential Trust Company (collectively, “Prudential”) respectfully submit this Notice of Supplemental Authority to advise the Court of a March 15, 2013 Order by the Honorable Paul J. Vichness, Judge of the Superior Court, Essex County. The Order, attached as Exhibit A, denied a motion to dismiss brought by Morgan Stanley in a companion

case filed by Prudential. The motion to dismiss raised many of the same issues raised in Credit Suisse Securities (USA) LLC., *et al.*'s pending motion to dismiss. The transcript of the Court's decision will be forwarded upon receipt. We also respectfully submit the following three recent decisions, attached as Exhibits B through D. The decisions, by Justice Eileen Bransten of the New York Supreme Court, Commercial Division, denied motions to dismiss fraud claims brought by an RMBS investor against Deutsche Bank, Merrill Lynch, and Morgan Stanley. The decisions address many issues raised in Credit Suisse Securities (USA) LLC., *et al.*'s motion to dismiss Prudential's complaint, including actionable misrepresentations, scienter, causation, and reliance.

EXHIBIT	DESCRIPTION
A	<i>The Prudential Insurance Company of America v. Morgan Stanley</i> , Docket No. ESX-L-3080-12 (N.J. Sup. Ct. Mar. 15, 2013) (Order on Motion).
B	<i>Allstate Insurance Company v. Ace Securities Corp.</i> , Index No. 650431/2011, slip op. (N.Y. Sup. Ct. Mar. 13, 2013).
C	<i>Allstate Insurance Company v. Merrill Lynch & Co.</i> , Index No. 650559/2011, slip op. (N.Y. Sup. Ct. Mar. 13, 2013).
D	<i>Allstate Insurance Company v. Morgan Stanley</i> , Index No. 651840/2011, slip op. (N.Y. Sup. Ct. Mar. 13, 2013).

NUKK-FREEMAN & CERRA, P.C.

By: s/ Robin H. Rome

Robin H. Rome

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